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**COMMENTS OF PREFERRED COMMUNICATION SYSTEMS, INC.
AND MOBILE RELAY ASSOCIATES**

The SMR Commenters have an interest, as does the public generally, in ensuring that critical infrastructure in this country is not vulnerable to a communications breakdown in the event of an emergency. (Licensees in the three services at issue here – Power, Railroad, and Automobile Emergency – **are** providing quasi-public Safety services, protection of critical infrastructure and/or emergency response.) As users of frequency coordination services in the SMR context, the SMR Commenters have experience with the workings of competitive frequency coordination and **the** benefits and disadvantages that have manifested in real-world implementation of competitive coordination. Thus, the SMR Commenters believe it is necessary and appropriate for them to address the issues raised by the ITA petition.

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The greatest predicted benefit of competitive coordination is a downward impetus on the pricing of coordination services. However, the advent of competitive coordination services has never caused any incumbent frequency coordinator in the Business, Industrial/Land Transportation or SMR Services (collectively, the “Private Services”) to lower its pricing. The non-regulatory barriers to entry are such that only a few different entities can plausibly claim to have the necessary expertise,’ and excessively high pricing persists. It could be argued that the elimination of monopoly frequency coordination in the Private Services has prevented even larger price increases from having occurred, but if, hypothetically, that is the case, the beneficial impact has been marginal at best.

Conversely, the advent of competitive frequency coordination in the Private Services has been accompanied by a myriad of defective coordinations, which have required huge amounts of the time of Commission staff personnel to unwind, have resulted in many legitimate proposals being unable to be coordinated for literally years at a time while the defective coordinations (and the litigation they engender) slowly wind their way through the regulatory process, and have acted as a serious drain on both Commission and private resources?

¹ As demonstrated in n.2, *infra*, even those entities are certified sometimes lack the necessary expertise, which has led to ridiculous and incorrect coordinations and regulatory nightmares.

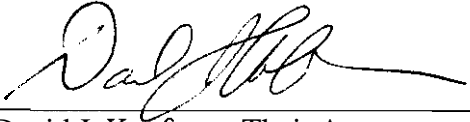
² A small sample of such cases that have at least partially made their way through the regulatory process includes: *Thomas K. Kurian*, 18 FCC Rcd. 4576 (CWD, 2003); *Industrial Telecommunications Ass’n.*, 18 FCC Rcd. 1522 (PS&PWD, 2003); *Industrial Telecommunications Ass’n.*, 17 FCC Rcd. 21141 (PS&PWD, 2002); *Greco Cousins Concrete*, 17 FCC Rcd. 19326 (2002); *James A. Kay, Jr.*, 17 FCC Rcd. 16306 (CWD, 2002); *National Science and Technology Network*, 17 FCC Rcd. 15728 (PS&PWD, 2002); *Davis Electronics*, 17 FCC Rcd. 10200 (PS&PWD, 2002); *Grand Trunk Western*, 17 FCC Rcd. 8015 (PS&PWD, 2002); *Cara Enterprises*, 17 FCC Rcd. 8009 (PS&PWD, 2002); *Entergy Services*, 17 FCC Rcd. 3114 (PS&PWD, 2002); *Industrial Telecommunications Ass’n.*, 17 FCC Rcd. 599 (PS&PWD, 2002); *California Metro Mobile Communications*, 17 FCC Rcd. 112 (PS&PWD, 2001), *afid*. 17 FCC Rcd. 22974 (2002); *Pacific Gas & Electric*, 17 FCC Rcd. 98 (PS&PWD, 2001), *recon. denied* 17 FCC Rcd. 20900 (PS&PWD, 2002); *National Science and Technology Network*, 16 FCC Rcd. 18719 (PS&PWD, 2001) *recon. denied* 17 FCC Rcd. 11133 (PS&PWD, 2002) *application for*

Manifestly, moving from a single frequency coordinator to competitive frequency coordinators in any given radio service involves a trade-off between efficiency and cost. What may arguably be acceptable in the realm of subscriber-based or other business or industrial settings is not necessarily acceptable in the context of communications used, for example, to protect the nation's power grid from terrorist attack. The SMR Commenters believe that on balance, the public is better served by refraining from introducing the inevitable errors and mishaps which accompany the advent of competitive frequency coordination.

Respectfully submitted,
MOBILE RELAY ASSOCIATES
PREFERRED COMMUNICATION SYSTEMS, INC.

April 24, 2003

By: _____


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review pending; Industrial Telecommunications Ass'n., 16 FCC Rcd. 15765 (PS&PWD, 2001); Industrial Telecommunications Ass'n., 16 FCC Rcd. 14873 (PS&PWD, 2001).

SMR Commenters are aware of many other pending cases engendered by defective coordinations that have not yet reached their initial Division ruling, but have already tied up untold hours and expense. The decisions cited above are the tip of the iceberg.

CERTIFICATE OF SERVICE

I, Kristine Hensle, a secretary at the law ~~firm~~ of Brown Nietert & Kaufman, Chartered, hereby certify that I have caused a copy of the foregoing **“COMMENTS OF PREFERRED COMMUNICATION SYSTEMS, INC. AND MOBILE RELAY ASSOCIATES”** to be sent by first class mail, postage prepaid, this 24th day of April, 2003, to each of the following:

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